

ASSEMBLY BILL

No. 1132

Introduced by Assembly Member Jones

February 27, 2009

An act to add Section 4150.3 to the Vehicle Code, relating to anatomical gifts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1132, as introduced, Jones. Vehicle registration: organ and tissue donation.

Existing law, the Uniform Anatomical Gift Act, regulates the making of anatomical gifts and the disposition of donated bodies and body parts.

Existing law authorizes the creation of a nonprofit entity designated as the California Organ and Tissue Donor Registrar, which is required to establish and maintain the California Organ and Tissue Donor Registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card. Existing law also provides that a person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation.

This bill would, except as specified, require the department upon issuance of an original or renewal of vehicle registration to include information on its application forms on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry. This bill would enact similar provisions as those specified above that require the collection and electronic transmission of donor designation information, including the making of a voluntary contribution of \$2 to the registry for the purpose of promoting and supporting organ and tissue donation.

The bill would also require the registry enrollment form to be posted on the Internet Web sites for the department and the California Health and Human Services Agency and would authorize the department to use not more than 5% of the donations collected under these provisions to cover its actual administrative costs. The bill would require the registrar of the registry to ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4150.3 is added to the Vehicle Code, to
2 read:
- 3 4150.3. (a) Upon issuance of an original or renewal vehicle
4 of registration, the department shall provide information on organ
5 and tissue donation, including a standardized form to be filled out
6 by an individual who desires to enroll in the California Organ and
7 Tissue Donor Registry pursuant to subdivision (a) of Section
8 7152.7 of the Health and Safety Code.
- 9 (b) The department shall collect donor designation information
10 on all applications for issuance of an original or renewal vehicle
11 registration.
- 12 (c) The department shall electronically transmit donor
13 designation information collected under this section to the
14 California Organ and Tissue Donor Registrar on a weekly basis.
- 15 (d) A person who applies for issuance of an original or renewal
16 vehicle registration may designate a voluntary contribution of two
17 dollars (\$2) for the purpose of promoting and supporting organ
18 and tissue donation. This contribution shall be collected by the

1 department, and treated as a voluntary contribution to the California
2 Organ and Tissue Donor Registry and not as a fee for the issuance
3 of vehicle registration.

4 (e) The department may use not more than 5 percent of the
5 donations collected under this section to cover its actual
6 administrative costs incurred under this section. The department
7 shall transmit all revenue derived under this section and remaining
8 after the department's deduction for administrative costs to the
9 registrar for support of the registry.

10 (f) The department's application forms for the issuance of
11 original and renewal vehicle registration shall include information
12 directing persons who desire to change their donor status to the
13 California Organ and Tissue Donor Registry's Internet Web site.

14 (g) The registry enrollment form shall be simple in design and
15 shall be produced by the department in cooperation with the
16 California Organ and Tissue Donor Registrar and shall require all
17 of the following information to be supplied by an enrollee:

18 (1) Date of birth, sex, full name, and other information deemed
19 necessary to provide a positive identification of an individual.

20 (2) Consent for organs or tissues to be donated for transplant
21 after death.

22 (3) Any limitation of the donation to specific organs or tissues.

23 (h) The registry enrollment form shall also include both of the
24 following:

25 (1) A description of the process for having a name removed
26 from the registry, and the process for donating money for the
27 benefit of the registry.

28 (2) A statement that the name of any person who enrolls in the
29 registry pursuant to this section shall be made available to federally
30 recognized donor organizations.

31 (i) The registry enrollment form shall be posted on the Internet
32 Web sites for the department and the California Health and Human
33 Services Agency.

34 (j) The registry enrollment form shall constitute a legal
35 document under the Uniform Anatomical Gift Act (Chapter 3.5
36 (commencing with Section 7150) of Part 1 of Division 7 of the
37 Health and Safety Code) and shall remain binding after the donor's
38 death despite any express desires of next of kin opposed to the
39 donation.

- 1 (k) The registrar shall ensure that all additions and deletions to
2 the registry shall occur within 30 days of receipt.
- 3 (l) Information obtained by the registrar for the purposes of this
4 subdivision shall be used for these purposes only and shall not be
5 disseminated further by the registrar.
- 6 (m) A public entity or employee shall not be liable for any loss,
7 detriment, or injury resulting directly or indirectly from false or
8 inaccurate information contained in the form provided pursuant
9 to this section.
- 10 (n) This section does not apply to the registration of a
11 commercial vehicle, as defined in subdivision (b) of Section 15210,
12 or a vehicle registration issued to a renter, as defined in Section
13 508.